

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>NICHOLAS SWEIS</b> , as co-trustee of the	)	
Sweis Living Trust,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 13 C 7175
	)	
<b>TRAVELERS CASUALTY INSURANCE</b>	)	
<b>COMPANY OF AMERICA; OVERMAN</b>	)	
<b>AGENCY, LLC; LARRY D. BROWN;</b>	)	
and <b>TERRI L. BROWN</b> ,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

Overman Agency, LLC ("Overman"), Larry Brown ("Larry") and Terri Brown ("Terri") (collectively "Overman Defendants") have filed their Answer to the Second Amended Complaint brought against them and Travelers Casualty Insurance Company of America ("Travelers") by Nicholas Sweis ("Sweis"). Because a previously-undisclosed potential jurisdictional problem has figuratively jumped off the pages of that Answer, and because it is the duty of every federal court to raise any such potential problem *sua sponte*, this memorandum order is issued to obtain additional information in that respect.

This action purports to sound in diversity jurisdiction, and Overman Defendants' Answer ¶ 6 simply admits its existence -- but another part of the Answer indicates that there may be more than meets the eye in that regard. On that score other pleadings in the case have confirmed Sweis' South Carolina citizenship and Travelers' Connecticut citizenship (Overman Defendants have responded with Fed. R. Civ. P. 8(b)(5) disclaimers in both those respects, but their inability

to admit or deny those facts poses no problem under the circumstances). And as to Larry and Terri, Overman Defendants' Answer ¶¶ 4 and 5 confirm the Oklahoma citizenship of both.

So far, so good. But as to Overman itself (an Oklahoma limited liability company), Overman Defendants' Answer ¶ 4 denies Sweis' information-and-belief assertion that "defendant Larry D. Brown is Overman's sole member" -- and it is of course well-established law that for diversity purposes the citizenship of such a company is that of all of its members.

Accordingly Overman Defendants are ordered to amend their recent Answer on or before April 21, 2014 to identify all the members of Overman and their respective states of citizenship. This Court will then determine whether anything further is required to confirm the existence of subject matter jurisdiction over this action.



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Milton I. Shadur  
Senior United States District Judge

Date: April 9, 2014